

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

POOR QUALITY ORIGINAL

DANNY.A.NICHOLS.JR

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

SGT. PERRY
C/O. BALDINI
C/O. NEEDLE

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case: 2:24-cv-10542
Assigned To : Berg, Terrence G.
Referral Judge: Altman, Kimberly G.
Assign. Date : 3/4/2024
Description: PR DANNY ALBERT
NICHOLS, JR. V. PERRY ET AL (JH)

Jury Trial: ☒ Yes ☐ No
(check one)

**Complaint for Violation of Civil Rights
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name DANNY ALBERT NICHOLS
All other names by which you have been known:
0734845
ID Number
Current Institution ICF.
Address 1576 W. BLUEWATER HWY
IONIA, MICHIGAN 48846

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name PERRY
Job or Title Sgt.
(if known)
Shield Number
Employer MARQUETTE BRANCH PRISON
Address 1960 U.S. HIGHWAY 41 SOUTH
MARQUETTE, MICHIGAN 49855

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name BALDINI
Job or Title C/O
(if known)
Shield Number _____
Employer MARQUETTE BRANCH PRISON
Address 1960 U.S. HIGHWAY 41 SOUTH
MARQUETTE, MICHIGAN 49855
☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name NEEBLE
Job or Title C/O
(if known)
Shield Number _____
Employer MARQUETTE BRANCH PRISON
Address 1960 U.S. HIGHWAY 41 SOUTH
MARQUETTE, MICHIGAN 49855
☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8TH AMENDMENT

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

SGT. PERRY GAVE C/O'S, BALDINI AND NEEBEL ORDERS NOT TO FEED ME AND NOT TO ALLOW ME TO RECEIVE ANY GRIEVANCES
 C/O'S, BALDINI AND NEEBLE AND SGT. PERRY ASSAULTED ME AND PUT ME ON CLOSE OBSERVATION / SUICIDE PREVENTION AND DID NOT GIVE ME ANY CLOTHING TO COVER MY NUDITY FOR 3 DAYS
 STRAIGHT AND C/O BALDINI BROKE MY RIGHT PINKY AND MY 2 BOTTOM RIBS AND C/O NEEBLE STEPPED ON MY LEFT ANKLE WITH FULL BODY WEIGHT SPRAINING MY LEFT ANKLE

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

I WAS DENIED MY PSYCHOTROPIC MEDICATION
IN JANUARY 17TH THREW 23RD OF JANUARY WHICH CAUSED ME TO HAVE
VISUAL AND AUDITORY HALLUCINATIONS AND I ATTEMPTED TO STRIKE
Sgt. NEEBLE AND BECAUSE OF THAT WAS TAKEN TO THE GROUND OFF
CAMRA WHERE C/O'S. BAUDINI AND NEEBLE AND SGT. PERRY AND 8
OTHER OFFICERS PROCEEDED TO BREAK MY BONES AND SCREW MY EYE
OUT AND ATTEMPTED TO BREAK MY LEFT ANKLE THEN SGT. PERRY
GAVE AN ORDER TO ALL THE C/O'S AT THE FACILITY TO PUT ME ON
CLOSE OBSERVATION / SUICIDE PREVENTION AND NOT TO GIVE ME ANY
FOOD / CLOTHES OR GRIEVANCES & ALL THEN ORDERED A
RETAALIATORY TRANSFER TO BE DONE

C. What date and approximate time did the events giving rise to your claim(s) occur?

FROM JANUARY 21ST THREW JANUARY 24TH
AT APPROXIMATELY 3:00 PM. ET THREW 6:00 AM. ET

D. What are the facts underlying your claim(s)? (For example: What happened to you?
Who did what? Was anyone else involved? Who else saw what happened?)

ON JANUARY 21ST I HAD BEEN DENIED MY PSYCHOTROPIC MEDICATION
FOR 4 DAYS CAUSING ME TO HAVE A PSYCHOTIC EPISODE
ON SAID DATE I HAD WRITTEN A LETTER TO PLE. COLLINSON AND
SGT. PERRY AND I TOLD THEM I HAD BEEN THREATENED INTO
DOING A HIT AND ON JANUARY 21ST I WALKED TO SHOWERS
AND ON THE WAY BACK SAW A DEMON LAUGHING AT ME SO
I ATTEMPTED TO ASSAULT THIS DEMON AND LATER ON
THAT DAY I FOUND OUT IT WAS C/O NEEBEL I HAD ATTEMPTED
TO ASSAULT AND IN THE PROCESS WAS TAKEN OFF CAMERA AND
WAS SEVERELY BEATEN BY C/O'S NEEBEL AND BARDINI AND SGT. PERRY
AND EIGHT OTHER C/O'S CAUSING ME TO SUSTAIN INJURY TO
MY RIGHT PINKY FINGER. MY LEFT 2 BOTTOM RIBBS AND
MY LEFT ANKLE. LATER ON I WAS DENIED FOOD AND
CLOTHES AND GRIEVANCES AND WAS PUT ON A RETALIATORY
TRANSFER FOR A TOTAL OF 4 DAY TIME PERIOD.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I RECEIVED A BROKEN RIGHT PINKY FINGER AND
2 OF MY BOTTOM LEFT RIBBS WERE BROKEN AND I
SUSTAINED A SPRAINED ANKLE

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I AM SEEKING MONETARY AND PUNITIVE DAMAGES IN THE
AMOUNT OF \$500,000.00 BECAUSE I SUFFER A BROKEN
PINKY AND RIBBS AND I NOW SUFFER FROM POST-
TRAUMATIC STRESS DISORDER BECAUSE OF THE INCIDENT

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

MARQUETTE BRANCH PRISON

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

IONIA MAXIMUM CORRECTIONAL FACILITY

2. What did you claim in your grievance?

I CLAIMED WHAT IVE STATED IN THIS
SECTION 1983 FORM

3. What was the result, if any?

I WAS TOLD TO SEND THE GRIEVANCES TO
MARQUETTE BRANCH PRISON

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I WROTE A KITE TO PIC. COLLINSON AND SGT
PERRY BEFORE ALL THIS TOOK PLACE

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I FEARED RETALIATION FROM ALL STAFF

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I WROTE A KITE TO PIC. COLLINSON PRIOR TO THE INCIDENT
AND TOLD HIM I HAD BEEN THREATENED INTO DOING A HIT
AND HE IGNORED MY STATEMENTS COMPLETELY

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I WAS PLACED ON SUICIDE WATCH FOR 4 DAYS
AFTER THE INCIDENT TOOK PLACE TO PREVENT ME
FROM FILING ANY GRIEVANCE

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☒ Yes

☐ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

I HAD 2 CASES DISMISSED BUT DO NOT ~~RE~~
HAVE A COPY OF THE ORDER STIN

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) DANNY ALBERT NICHOLS

Defendant(s) JODI DEANYELO ET AL

2. Court (if federal court, name the district; if state court, name the county and State)

EASTERN DISTRICT DETROIT MICHIGAN

3. Docket or index number

2:23-CV-10570-DPH-EAS

4. Name of Judge assigned to your case

DENISE PAGE HOOV

5. Approximate date of filing lawsuit

MARCH - 21 - 2022

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. SETTLED

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

WE REACHED A SETTLEMENT IN THE CASE

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02-26-2024, 2024.

Signature of Plaintiff Danny A. Nichols

Printed Name of Plaintiff DANNY A. NICHOLS

Prison Identification # 0734845

Prison Address 1576 W. BLUE WATER HIGHWAY

FOONIA MICHIGAN 48846

City

State

Zip Code

Additional Information:

DANNY A. NICHOLS
PRISONER ID# 0734845
1576 W. BLUEWATER HWY
E DNDIA MICHAIGAN 48846

U.S. MARSHALS

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
231 W. LA FAYETTE ST. E. BLDG. FIFTH FLOOR
DETROIT MICHIGAN 48226

